

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6906

BILL NUMBER: SB 177

NOTE PREPARED: Feb 2, 2010

BILL AMENDED: Feb 1, 2010

SUBJECT: Indianapolis Historic Preservation Commission.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR: Rep. Frizzell

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Indianapolis Historic Preservation Commission (IHPC)*. This bill reduces the term from four to two years of an IHPC member who is appointed to serve a term that begins after December 31, 2010.

Appeal. It allows a property owner to appeal any decision of Indianapolis Historic Preservation Commission (IHPC) on the owner's application for a certificate of appropriateness to the Metropolitan Development Commission (MDC) on the grounds that the decision: (1) has an adverse affect on the owner's property rights; (2) deprives the owner of any reasonable use and benefit of the subject property; (3) imposes a hardship on the applicant, including that the recommendations by the IHPC respecting the proposed construction, reconstruction, alteration or demolition are: (A) infeasible from a mechanical, technical or structural standpoint; or (B) the economics of recommended action would require the property owner to make an unreasonable expenditure. The bill allows the IHPC to grant a certificate of authorization on the same grounds. The proceeding before the MDC may be de novo. It allows a property owner to file a petition for certiorari appealing the decision of the MDC. The bill specifies that a property owner or aggrieved party may file a petition for certiorari to a circuit or superior court of the county appealing the decision of the IHPC. Any appeal of a (1) pending IHPC determination on an application for a certificate of appropriateness; or (2) IHPC determination on an application for a certificate of appropriateness for which a petition for certiorari has not been filed; that is taken after the close of business on June 30, 2011, must be filed with the MDC.

Interim Study Committee. The bill establishes an interim study committee to study all aspects of the IHPC and other historic preservation commissions.

Effective Date: (Amended) July 1, 2010; July 1, 2011.

Explanation of State Expenditures: (Revised) *Interim Study Committee*. The bill establishes an interim study committee to study all aspects of the IHPC and other historic preservation commissions. The committee consists of 12 legislators and must operate under the policies governing study committees adopted by the Legislative Council. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$9,500 per interim for committees with fewer than 16 members. Actual expenditures will depend on the membership of the committee and the number of times the committee meets. Members would be paid from state General Fund appropriations.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Appeal*. Under the provisions of the bill, a property owner may petition the Metropolitan Development Commission (MDC) to conduct an informal review or file a petition to a circuit or superior court. This provision could reduce court expenditures while increasing administrative expenses of the MDC if MDC reviews result in fewer judicial reviews. The specific impact is indeterminable.

Explanation of Local Revenues:

State Agencies Affected: LSA.

Local Agencies Affected: IHPC; Metropolitan Development Commission; circuit and superior courts in Marion County.

Information Sources: <http://www.indy.gov/eGov/City/DMD/Planning/Pages/boards.aspx#MDC>

Fiscal Analyst: Bernadette Bartlett, 317-232-9586.